



February 15, 2008

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# ENGROSSED

## SENATE BILL No. 235

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DIGEST OF SB 235 (Updated February 13, 2008 5:00 pm - DI 75)

**Citations Affected:** IC 3-5; IC 3-11; noncode.

**Synopsis:** Vote centers; absentee voting. Establishes the use of vote centers as an option for all counties. Requires the county election board (board) to adopt an order designating a county a vote center county, adopt a plan to administer the vote centers, and file the order and the plan with the election division. Requires the board to accept and consider public comment before adopting an order designating the county as a vote center county. Provides that designation of a county as a vote center county remains in effect until the board rescinds the order designating the county as a vote center county and files a copy of the rescission with the election division. Redesignates automatically as a vote center county a county designated before July 1, 2008, as a vote center pilot county. Allows the secretary of state (secretary) to (Continued next page)

**Effective:** January 1, 2008 (retroactive); upon passage; July 1, 2008.

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**Landske, Charbonneau, Lawson C,  
Brodén, Miller**  
(HOUSE SPONSORS — PIERCE, RICHARDSON)

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January 8, 2008, read first time and referred to Committee on Local Government and Elections.

January 17, 2008, reported favorably — Do Pass.

January 28, 2008, read second time, amended, ordered engrossed.

January 29, 2008, engrossed. Read third time, passed. Yeas 45, nays 3.

HOUSE ACTION

February 4, 2008, read first time and referred to Committee on Elections and Apportionment.

February 14, 2008, amended, reported — Do Pass.

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ES 235—LS 6768/DI 102



designate not later than March 15, 2008, one additional county as a vote center pilot county. Requires electronic poll lists to satisfy certain criteria. Permits a voter who is qualified to vote in person to vote by absentee ballot. Removes all other qualifications for a voter to vote by absentee ballot except for a voter with disabilities who is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope. (Such a disabled voter is currently required to vote before an absentee voter board.) Repeals the expiration date of the vote center program and provisions that: (1) require the secretary's approval of the vote center designation; and (2) allow the secretary to revoke the vote center designation.

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February 15, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 235

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A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 3-5-2-49.9, AS ADDED BY P.L.164-2006,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2008]: Sec. 49.9. ~~(a)~~ "Vote center" means a polling place  
4       where a voter who resides in the county in which the vote center is  
5       located may vote without regard to the precinct in which the voter  
6       resides.

7       ~~(b) This section expires December 31, 2009.~~

8       SECTION 2. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS  
9       [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A voter who is otherwise  
10      qualified to vote in person is entitled to vote by absentee ballot: ~~Except~~

11      **(1) by mail;**

12      **(2) before an absentee voter board** as ~~otherwise~~ provided in this  
13      article; ~~a voter voting by absentee ballot must vote~~

14      **(3) in the office of the circuit court clerk (or board of elections**  
15      and registration in a county subject to IC 3-6-5.2); or

16      **(4) at a satellite office established under IC 3-11-10-26.3.**

17      (b) A county election board, by unanimous vote of its entire

ES 235—LS 6768/DI 102+



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membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in ~~section~~ **sections 12 and 13** of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

**SECTION 3. IC 3-11-4-2, AS AMENDED BY P.L.103-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.
- (5) The voter identification number of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if

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different from the voter registration address of the individual.

(2) In a primary election, the major political party ballot requested by the individual.

(3) In a primary or general election, the types of absentee ballots requested by the individual.

~~(4) The reason why the individual is entitled to vote an absentee ballot:~~

~~(A) by mail; or~~

~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~

~~in accordance with IC 3-11-4-18; IC 3-11-10-24; or IC 3-11-10-25.~~

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

(1) noon seven (7) days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board;

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1 whichever occurs first.

2 (h) This subsection does not apply to an employee of the United  
3 States Postal Service or a bonded courier company acting in the  
4 individual's capacity as an employee of the United States Postal Service  
5 or a bonded courier company. A person filing an absentee ballot  
6 application, other than the person's own absentee ballot application,  
7 must sign an affidavit at the time of filing the application. The affidavit  
8 must be in a form prescribed by the commission. The form must  
9 include the following:

10 (1) A statement of the full name, residence and mailing address,  
11 and daytime and evening telephone numbers (if any) of the person  
12 submitting the application.

13 (2) A statement that the person filing the affidavit has complied  
14 with Indiana laws governing the submission of absentee ballot  
15 applications.

16 (3) A statement that the person has no knowledge or reason to  
17 believe that the individual whose application is to be filed:

18 (A) is ineligible to vote or to cast an absentee ballot; or

19 (B) did not properly complete and sign the application.

20 (4) A statement that the person is executing the affidavit under the  
21 penalties of perjury.

22 (5) A statement setting forth the penalties for perjury.

23 (i) The county election board shall record the date and time of the  
24 filing of the affidavit.

25 SECTION 4. IC 3-11-4-18, AS AMENDED BY P.L.164-2006,  
26 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 UPON PASSAGE]: Sec. 18. (a) ~~If a voter satisfies any of the~~  
28 ~~qualifications described in IC 3-11-10-24 that entitle a voter to cast an~~  
29 ~~absentee ballot by mail;~~ The county election board shall, at the request  
30 of the voter, mail the official ballot, postage fully prepaid, to the voter  
31 at the address stated in the application.

32 (b) If the county election board mails an absentee ballot to a voter  
33 required to file additional documentation with the county voter  
34 registration office before voting by absentee ballot under this chapter,  
35 the board shall include a notice to the voter in the envelope mailed to  
36 the voter under section 20 of this chapter. The notice must inform the  
37 voter that the voter must file the additional documentation required  
38 under IC 3-7-33-4.5 with the county voter registration office not later  
39 than noon on election day for the absentee ballot to be counted as an  
40 absentee ballot, and that, if the documentation required under  
41 IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the  
42 ballot will be processed as a provisional ballot. The commission shall

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1 prescribe the form of this notice under IC 3-5-4-8.

2 (c) Except as provided in section 18.5 of this chapter, the ballot  
3 shall be mailed:

4 (1) on the day of the receipt of the voter's application; or

5 (2) not more than five (5) days after the date of delivery of the  
6 ballots under section 15 of this chapter;

7 whichever is later.

8 (d) In addition to the ballot mailed under subsection (c), the county  
9 election board shall mail a special absentee ballot for overseas voters.

10 (e) Except as provided in section 18.5 of this chapter, the ballot  
11 described in subsection (d):

12 (1) must be mailed:

13 (A) on the day of the receipt of the voter's application; or

14 (B) not more than five (5) days after the latest date for delivery  
15 of the ballots under section 13(b) of this chapter applicable to  
16 that election;

17 whichever is later; and

18 (2) may not be mailed after the absentee ballots described by  
19 section 13(a) of this chapter have been delivered to the circuit  
20 court clerk or the clerk's authorized deputy.

21 (f) As required by 42 U.S.C. 15481, an election board shall establish  
22 a voter education program (specific to a paper ballot or optical scan  
23 ballot card provided as an absentee ballot under this chapter) to notify  
24 a voter of the effect of casting multiple votes for a single office.

25 (g) As provided by 42 U.S.C. 15481, when an absentee ballot is  
26 mailed under this section, the mailing must include:

27 (1) information concerning the effect of casting multiple votes for  
28 an office; and

29 (2) instructions on how to correct the ballot before the ballot is  
30 cast and counted, including the issuance of replacement ballots.

31 SECTION 5. IC 3-11-8-10.3 IS ADDED TO THE INDIANA CODE  
32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
33 UPON PASSAGE]: **Sec. 10.3. (a) As used in this section, "electronic  
34 poll list" refers to a poll list that is maintained in a computer data  
35 base.**

36 **(b) An electronic poll list must satisfy all of the following:**

37 **(1) An electronic poll list must be programmed so that the  
38 coordinated action of two (2) precinct election officers who  
39 are not members of the same political party is necessary to  
40 record the fact that a voter has voted.**

41 **(2) An electronic poll list may not be connected to a voting  
42 system.**

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**(3) An electronic poll list may not permit access to voter information that is confidential under IC 3-7.**

SECTION 6. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail.

(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.

(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:

(A) a precinct election officer under IC 3-6-6;

(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

(C) a challenger or pollbook holder under IC 3-6-7; or

(D) a person employed by an election board to administer the election for which the absentee ballot is requested.

(3) The voter will be confined on election day to the voter's residence; to a health care facility; or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall

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personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter.

SECTION 7. IC 3-11-18-1, AS ADDED BY P.L.164-2006,

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SECTION 119, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2008]: Sec. 1. This chapter applies to a county  
designated as a vote center ~~pilot~~ county under this chapter.

SECTION 8. IC 3-11-18-3, AS ADDED BY P.L.164-2006,  
SECTION 119, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2008]: Sec. 3. (a) ~~For~~ A county **must comply**  
**with this section to be designated become** a vote center ~~pilot~~ county.

(b) **As used in this section, "board" refers to any of the**  
**following:**

(1) The county election board. ~~or~~

(2) **The** board of elections and registration established under  
IC 3-6-5.2 or IC 3-6-5.4.

(c) **The board must hold a public hearing to present a draft plan**  
**for administration of vote centers in the county.**

(d) **After presentation of the draft plan under subsection (c), the**  
**board shall accept written public comments on the draft plan.**

(e) **Not sooner than thirty (30) days after the hearing held under**  
**subsection (c), the board shall hold a public hearing to consider the**  
**draft plan, the written public comments, and any other public**  
**comment that the board may permit on the draft plan.**

(f) **After consideration of the draft plan and the public**  
**comments, the board may do the following:**

(1) **Adopt an order approving the draft plan.**

(2) **Amend the draft plan and adopt an order approving the**  
**amended draft plan.**

**The board may adopt the order to approve a plan only by**  
**unanimous vote of the entire membership of the board. ~~must approve~~**  
**the filing of an application to be designated a vote center pilot county;**

~~(2) (g)~~ **(g)** All members of the board must sign the application; and  
**order adopting the plan.**

~~(3) (h)~~ **(h)** The application **order and the adopted plan** must be filed  
with the ~~secretary of state:~~ **(b)** The application **election division and**  
must include **a copy of:**

(1) a resolution adopted by the county executive; and

(2) a resolution adopted by the county fiscal body;

approving the ~~submission designation~~ of the application: **county as a**  
**vote center county.**

SECTION 9. IC 3-11-18-4, AS ADDED BY P.L.164-2006,  
SECTION 119, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2008]: Sec. 4. ~~The application must include a~~  
~~plan for the administration of vote centers in the county:~~ The plan  
**required by section 3 of this chapter** must include at least the

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following:

- (1) The total number of vote centers to be established.
- (2) The location of each vote center. ~~and the municipality, if any, in which the vote center is located.~~
- ~~(3) A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election, as of the date of the application.~~
- (3) The effective date of the order.**
- (4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:**
  - (A) The total number of voters within each municipality, as of the date of the application, and the county.**
  - (B) The number of those active voters within each municipality designated as "active" and the county.**
  - (C) The number of inactive according to voters within the county. voter registration office.**
- (5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center.
- (6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.
- (7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.
- (8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.
- (9) For each vote center designated under subdivision (2):
  - (A) the number and type of ballot variations that will be provided at the vote center; and
  - (B) whether these ballots will be:
    - (i) delivered to the vote center before the opening of the polls; or
    - (ii) printed on demand for a voter's use.
- (10) A detailed description of any hardware, firmware, or software used:
  - (A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or
  - (B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.
- (11) A description of the equipment and procedures to be used to

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1 ensure that information concerning a voter entered into any  
 2 electronic poll list used by precinct election officers at a vote  
 3 center is immediately accessible to:

4 (A) the county election board; and

5 (B) the electronic poll lists used by precinct election officers  
 6 at all other vote centers in the county.

7 (12) For each precinct designated under subdivision (5), the  
 8 number of electronic poll lists to be provided for the precinct.

9 (13) The security and contingency plans to be implemented by the  
 10 county to **do all of the following:**

11 (A) Prevent a disruption of the vote center process. ~~and~~

12 (B) Ensure that the election is properly conducted if a  
 13 disruption occurs.

14 **(C) Prevent recording the fact that a voter has voted**  
 15 **without the coordinated action of two (2) precinct election**  
 16 **officers who are not members of the same political party.**

17 (14) A certification that the vote center complies with the  
 18 accessibility requirements applicable to polling places under  
 19 IC 3-11-8.

20 (15) A sketch depicting the planned layout of the vote center,  
 21 indicating the location of:

22 (A) equipment; and

23 (B) precinct election officers;

24 within the vote center.

25 (16) The total number of vote centers to be established at satellite  
 26 offices that are established under IC 3-11-10-26.3 to allow voters  
 27 to cast absentee ballots in accordance with IC 3-11.

28 **(17) The method and timing of providing voter data to**  
 29 **persons who are entitled to receive the data under this title.**  
 30 **Data must be provided to all persons entitled to the data**  
 31 **without unreasonable delay.**

32 SECTION 10. IC 3-11-18-5, AS ADDED BY P.L.164-2006,  
 33 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2008]: Sec. 5. ~~(a) Except for a municipality~~  
 35 ~~described in subsection (b);~~ A plan must provide a vote center for use  
 36 by voters residing in ~~each municipality~~ within the county ~~conducting~~  
 37 **for use in a primary election, general election, special election, a**  
 38 **municipal primary, or a municipal election conducted on or after the**  
 39 **effective date of the county election board's order.**

40 ~~(b) A vote center may not be used in a municipal primary or~~  
 41 ~~municipal election conducted within a municipality that is partially~~  
 42 ~~located in a county that has not been designated a vote center pilot~~

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2 SECTION 11. IC 3-11-18-6, AS ADDED BY P.L.164-2006,  
3 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2008]: Sec. 6. When the total number of **active**  
5 voters **in the county** ~~designated under section 4(4) of this chapter as~~  
6 ~~"active"~~ equals at least twenty-five thousand (25,000), ~~in the~~  
7 ~~municipalities listed in the plan,~~ the following apply:

8 (1) The plan must provide for at least one (1) vote center for each  
9 ten thousand (10,000) active voters.

10 (2) In addition to the vote centers designated in subdivision (1),  
11 the plan must provide for a vote center for any fraction of ten  
12 thousand (10,000) voters.

13 SECTION 12. IC 3-11-18-7, AS ADDED BY P.L.164-2006,  
14 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2008]: Sec. 7. Before ~~approving an application~~  
16 ~~to designate~~ **adopting an order designating** a county as a vote center  
17 ~~pilot county under this chapter, the secretary of state county election~~  
18 ~~board~~ must determine the following:

19 (1) That the secure electronic connection as described under  
20 section 4(10)(B) of this chapter is sufficient to prevent:

21 (A) any voter from voting more than once; and

22 (B) unauthorized access by any person to:

23 (i) the electronic poll lists for a precinct whose polls are to  
24 be located at the vote center; or

25 (ii) the computerized list of voters of the county.

26 (2) That the planned design and location of the equipment and  
27 precinct officers will provide the most efficient access for:

28 (A) voters to enter the polls, cast their ballots, and leave the  
29 vote center; and

30 (B) precinct election officials, watchers, challengers, and  
31 pollbook holders to exercise their rights and perform their  
32 duties within the vote center.

33 SECTION 13. IC 3-11-18-8, AS ADDED BY P.L.164-2006,  
34 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 2008]: Sec. 8. **(a)** The designation of a county  
36 as a vote center ~~pilot county~~ takes effect immediately **upon the filing**  
37 **of the order with the election division**, unless otherwise specified by  
38 the ~~secretary of state county election board~~.

39 **(b) The designation of a county as a vote center county remains**  
40 **in effect until the county election board, by unanimous vote of its**  
41 **entire membership:**

42 (1) rescinds the order designating the county as a vote center

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1 county; and

2 (2) files a copy of the document rescinding the order with the  
3 election division.

4 SECTION 14. IC 3-11-18-11, AS ADDED BY P.L.164-2006,  
5 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2008]: Sec. 11. Except as otherwise provided  
7 by this chapter, the county shall administer an election conducted at a  
8 vote center in accordance with federal law, this title, and the plan  
9 ~~submitted~~ **adopted** with the ~~application~~ **county election board's order**  
10 under section 4 of this chapter.

11 SECTION 15. IC 3-11-18-12, AS ADDED BY P.L.164-2006,  
12 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2008]: Sec. 12. Notwithstanding any other law,  
14 a voter who resides in a vote center ~~pilot~~ county is entitled to cast an  
15 absentee ballot at a vote center located at a satellite office of the county  
16 election board established under IC 3-11-10-26.3 in the same manner  
17 and subject to the same restrictions applicable to a voter wishing to cast  
18 an absentee ballot before an absentee board located in the office of the  
19 circuit court clerk or board of elections and registration.

20 SECTION 16. IC 3-11-18-13, AS ADDED BY P.L.164-2006,  
21 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2008]: Sec. 13. Notwithstanding any other law,  
23 the electronic poll list used at each vote center:

24 (1) **must comply with IC 3-11-8-10.3;**

25 (†) (2) must be capable of capturing an electronic image of the  
26 signature of a voter on the list; and

27 (‡) (3) may be in a format approved by the secretary of state.

28 SECTION 17. IC 3-11-18-14, AS ADDED BY P.L.164-2006,  
29 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
30 [EFFECTIVE JULY 1, 2008]: Sec. 14. Notwithstanding any other law,  
31 including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote  
32 center ~~pilot~~ county is entitled to cast a ballot at any vote center  
33 established in the county without regard to the precinct in which the  
34 voter resides.

35 SECTION 18. IC 3-11-18-17, AS ADDED BY P.L.164-2006,  
36 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) ~~The secretary of state may~~  
38 ~~permit~~ A county ~~to may~~ amend a plan ~~submitted~~ **adopted with a**  
39 **county election board's order** under section 4 of this chapter.

40 (b) For a county to amend its plan:

41 (1) the county election board (or board of elections and  
42 registration established under IC 3-6-5.2 or IC 3-6-5.4), by

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1 unanimous vote of the entire membership of the board, must  
 2 approve the ~~filing of a request to amend the plan~~ **amendment**;

3 (2) all members of the board must sign the ~~request~~; **amendment**;  
 4 and

5 (3) the ~~request~~ **amendment** must be filed with the ~~secretary of~~  
 6 ~~state~~; **election division**.

7 (c) The request for amendment must set forth the specific  
 8 amendments proposed to be made to the plan.

9 (c) **A plan amendment takes effect immediately upon filing with**  
 10 **the election division, unless otherwise specified by the county**  
 11 **election board.**

12 SECTION 19. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 13 JULY 1, 2008]: IC 3-11-18-2; IC 3-11-18-18; IC 3-11-18-19;  
 14 IC 3-11-18-20.

15 SECTION 20. [EFFECTIVE JULY 1, 2008] **A county designated**  
 16 **as a vote center pilot county under:**

17 (1) **P.L.164-2006, SECTION 148 (before its expiration); or**

18 (2) **this act before July 1, 2008;**

19 **is automatically redesignated as a vote center county under**  
 20 **IC 3-11-18, as amended by this act, on July 1, 2008.**

21 SECTION 21. [EFFECTIVE JANUARY 1, 2008  
 22 (RETROACTIVE)] (a) **The definitions set forth in IC 3-5-2 apply**  
 23 **throughout this SECTION.**

24 (b) **The secretary of state may designate one (1) county that has**  
 25 **applied for designation as a vote center pilot county under**  
 26 **IC 3-11-18.**

27 (c) **A county must file with the secretary of state an application**  
 28 **to be designated a vote center pilot county under IC 3-11-18 not**  
 29 **later than March 1, 2008.**

30 (d) **The secretary of state shall act in accordance with**  
 31 **IC 3-11-18 and this SECTION to designate a county as a vote**  
 32 **center pilot county not later than March 15, 2008.**

33 (e) **The designation of a county as a vote center pilot county**  
 34 **under this SECTION is effective June 1, 2008.**

35 (f) **This SECTION expires July 1, 2008.**

36 SECTION 22. **An emergency is declared for this act.**

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# COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 235 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 7, Nays 3.

## SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author and Senator Lawson C be added as coauthor of Engrossed Senate Bill 235.

LANDSKE

## SENATE MOTION

Madam President: I move that Senate Bill 235 be amended to read as follows:

Page 1, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 2. IC 3-11-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. A voter shall vote at the polls for the precinct where the voter resides except when authorized to vote:

- (1) in another precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12; or
- (2) at a special voting poll under section 6.5 of this chapter; or
- (3) at an alternate polling place under section 3.3 of this chapter.

SECTION 3. IC 3-11-8-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.2. (a) A county executive shall give ten (10) days notice of the place of voting in each precinct by publication in the manner prescribed by IC 5-3-1-4. The notice must include the following information:

- (1) For each precinct, whether the polls are located in an accessible facility.

ES 235—LS 6768/DI 102+



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(2) If special polling places are designated under section 6.5 of this chapter:

(A) the location of each special polling place; and

(B) the procedures for elderly voters and voters with disabilities to apply to vote at a special polling place.

(b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c) **or section 3.3 of this chapter**, a change may not be made within two (2) days before an election.

(c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires after the election.

SECTION 4. IC 3-11-8-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2008]: **Sec. 3.3. (a) Before each election that is held after June 30, 2008, each:**

**(1) county election board; and**

**(2) county board of elections and registration;**

**shall designate at a central location in the jurisdiction in which the election will be held at least one (1) alternate polling place for use in the event that voters are unable to vote in their assigned polling place because the polls do not open within one (1) hour after the time that the polls are required to open under section 8 of this chapter.**

**(b) If the polls in any precinct do not open within one (1) hour after the polls are required to open under section 8 of this chapter, the county election board or county board of elections and registration shall order the relocation of the polling place to the alternate polling place designated under subsection (a).**

**(c) The county election board shall give the best possible notice of the relocation of the polling place to the news media and the voters of the precinct.**

**(d) If the jurisdiction in which the election will be held has at least twenty-five thousand (25,000) active voters, the county election board or county board of elections and registration shall designate at least one (1) alternate polling place at a central location in each township included in the jurisdiction in which the**

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election will be held.

(e) An alternate polling place designated under this section must:

- (1) be located in an accessible facility; and
- (2) operate under all other requirements for precincts and polls under this title.

(f) Votes cast at an alternate polling place shall be counted and reported in the same manner as if the votes had been cast at the polls that did not open within the period required under subsection (a).".

Renumber all SECTIONS consecutively.

(Reference is to SB 235 as printed January 18, 2008.)

MILLER

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SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Engrossed Senate Bill 235.

LANDSKE

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SENATE MOTION

Madam President: I move that Senator Miller be added as coauthor of Engrossed Senate Bill 235.

LANDSKE

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 235, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 8 through 17, begin a new paragraph and insert:

"SECTION 2. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee

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ballot: ~~Except~~

(1) **by mail;**

(2) **before an absentee voter board** as ~~otherwise~~ provided in this article; ~~a voter voting by absentee ballot must vote~~

(3) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(4) at a satellite office established under IC 3-11-10-26.3.

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in ~~section~~ **sections 12 and 13** of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

SECTION 3. IC 3-11-4-2, AS AMENDED BY P.L.103-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The name of the individual.

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- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.
- (5) The voter identification number of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- ~~(4) The reason why the individual is entitled to vote an absentee ballot:~~

~~(A) by mail; or~~

~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~

~~in accordance with IC 3-11-4-18; IC 3-11-10-24; or IC 3-11-10-25.~~

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

- (1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.
- (2) The date this assistance was provided.
- (3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.
- (4) That the person has no knowledge or reason to believe that the individual submitting the application:

~~(A) is ineligible to vote or to cast an absentee ballot; or~~

~~(B) did not properly complete and sign the application.~~

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service

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or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

- (1) noon seven (7) days after the person receives the application; or
- (2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

- (1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.
- (2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.
- (3) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:
  - (A) is ineligible to vote or to cast an absentee ballot; or
  - (B) did not properly complete and sign the application.
- (4) A statement that the person is executing the affidavit under the penalties of perjury.
- (5) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 4. IC 3-11-4-18, AS AMENDED BY P.L.164-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail,~~ The county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter,

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the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later.

(d) In addition to the ballot mailed under subsection (c), the county election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

(1) must be mailed:

- (A) on the day of the receipt of the voter's application; or
- (B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

- (2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 5. IC 3-11-8-10.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data**

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base.

**(b) An electronic poll list must satisfy all of the following:**

- (1) An electronic poll list must be programmed so that the coordinated action of two (2) precinct election officers who are not members of the same political party is necessary to record the fact that a voter has voted.**
- (2) An electronic poll list may not be connected to a voting system.**
- (3) An electronic poll list may not permit access to voter information that is confidential under IC 3-7.**

SECTION 6. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail.

- (1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.
- (2) The voter will be absent from the precinct of the voter's residence on election day because of service as:
  - (A) a precinct election officer under IC 3-6-6;
  - (B) a watcher under IC 3-6-8; IC 3-6-9; or IC 3-6-10;
  - (C) a challenger or pollbook holder under IC 3-6-7; or
  - (D) a person employed by an election board to administer the election for which the absentee ballot is requested.
- (3) The voter will be confined on election day to the voter's residence; to a health care facility; or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.
- (4) The voter is a voter with disabilities.
- (5) The voter is an elderly voter.
- (6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.
- (7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.
- (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- (9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.
- (10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

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(b) A voter with disabilities who:

- (1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and
- (2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall:

- (1) deposit the sealed envelope in the United States mail for delivery to the county election board; or
- (2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:
  - (A) deposit the sealed envelope in the United States mail; or
  - (B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

- (1) The name and residence address of the voter whose absentee ballot is being delivered.
- (2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.
- (3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.
- (4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.
- (5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.
- (6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.
- (7) A statement setting forth the penalties for perjury.

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(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

- (1) section 1.5 of this chapter; or
- (2) section 33 of this chapter."

Delete page 2.

Page 3, delete lines 1 through 15.

Page 3, delete lines 20 through 42, begin a new paragraph and insert:

"SECTION 8. IC 3-11-18-3, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) ~~For~~ A county **must comply with this section to be designated become** a vote center pilot county.

**(b) As used in this section, "board" refers to any of the following:**

- (1) The county election board. ~~or~~
- (2) The** board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4.

**(c) The board must hold a public hearing to present a draft plan for administration of vote centers in the county.**

**(d) After presentation of the draft plan under subsection (c), the board shall accept written public comments on the draft plan.**

**(e) Not sooner than thirty (30) days after the hearing held under subsection (c), the board shall hold a public hearing to consider the draft plan, the written public comments, and any other public comment that the board may permit on the draft plan.**

**(f) After consideration of the draft plan and the public comments, the board may do the following:**

- (1) Adopt an order approving the draft plan.**
- (2) Amend the draft plan and adopt an order approving the amended draft plan.**

**The board may adopt the order to approve a plan only by unanimous vote of the entire membership of the board. ~~must approve the filing of an application to be designated a vote center pilot county;~~**

~~(2)~~ **(g) All members of the board must sign the application; and order adopting the plan.**

~~(3)~~ **(h) The application order and the adopted plan must be filed with the secretary of state. (b) The application election division and must include a copy of:**

- (1) a resolution adopted by the county executive; and

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(2) a resolution adopted by the county fiscal body;  
 approving the ~~submission designation~~ of the ~~application~~; **county as a vote center county.**

SECTION 9. IC 3-11-18-4, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. ~~The application must include a plan for the administration of vote centers in the county.~~ The plan **required by section 3 of this chapter** must include at least the following:

- (1) The total number of vote centers to be established.
- (2) The location of each vote center. ~~and the municipality; if any, in which the vote center is located.~~
- (3) ~~A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election; as of the date of the application.~~
- (3) The effective date of the order.**
- (4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:**
  - (A)** The total number of voters within ~~each municipality; as of the date of the application; and the county.~~
  - (B)** The number of ~~those~~ **active** voters within ~~each municipality designated as "active" and the county.~~
  - (C)** ~~The number of inactive according to voters within the county. voter registration office.~~
- (5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center.
- (6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.
- (7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.
- (8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.
- (9) For each vote center designated under subdivision (2):
  - (A) the number and type of ballot variations that will be provided at the vote center; and
  - (B) whether these ballots will be:
    - (i) delivered to the vote center before the opening of the polls; or
    - (ii) printed on demand for a voter's use.

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(10) A detailed description of any hardware, firmware, or software used:

- (A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or
- (B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote center is immediately accessible to:

- (A) the county election board; and
- (B) the electronic poll lists used by precinct election officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll lists to be provided for the precinct.

(13) The security and contingency plans to be implemented by the county to **do all of the following:**

- (A) Prevent a disruption of the vote center process. ~~and~~
- (B) Ensure that the election is properly conducted if a disruption occurs.

**(C) Prevent recording the fact that a voter has voted without the coordinated action of two (2) precinct election officers who are not members of the same political party.**

(14) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(15) A sketch depicting the planned layout of the vote center, indicating the location of:

- (A) equipment; and
- (B) precinct election officers;

within the vote center.

(16) The total number of vote centers to be established at satellite offices that are established under IC 3-11-10-26.3 to allow voters to cast absentee ballots in accordance with IC 3-11.

**(17) The method and timing of providing voter data to persons who are entitled to receive the data under this title. Data must be provided to all persons entitled to the data without unreasonable delay."**

Delete page 4.

Page 5, delete lines 1 through 22.

Page 5, line 37, after "of" insert "**active**".

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Page 5, line 37, after "voters" insert "**in the county**".

Page 5, line 38, strike "designated under section 4(4) of this chapter as "active"".

Page 6, line 6, strike "approving".

Page 6, line 7, after "designate" insert "**adopting**".

Page 7, delete lines 2 through 19, begin a new paragraph and insert:

"SECTION 15. IC 3-11-18-12, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. Notwithstanding any other law, a voter who resides in a vote center ~~pilot~~ county is entitled to cast an absentee ballot at a vote center located at a satellite office of the county election board established under IC 3-11-10-26.3 in the same manner and subject to the same restrictions applicable to a voter wishing to cast an absentee ballot before an absentee board located in the office of the circuit court clerk or board of elections and registration.

SECTION 16. IC 3-11-18-13, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. Notwithstanding any other law, the electronic poll list used at each vote center:

**(1) must comply with IC 3-11-8-10.3;**

**(1)** must be capable of capturing an electronic image of the signature of a voter on the list; and

**(2)** may be in a format approved by the secretary of state.

SECTION 17. IC 3-11-18-14, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. Notwithstanding any other law, including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote center ~~pilot~~ county is entitled to cast a ballot at any vote center established in the county without regard to the precinct in which the voter resides."

Page 8, line 3, delete "SECTION 14 of".

Page 8, line 3, delete ";" and insert "**before July 1, 2008;**".

Page 8, line 9, after "county" insert "**that has applied for designation**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 235 as reprinted January 29, 2008.)

PIERCE, Chair

Committee Vote: yeas 10, nays 0.

ES 235—LS 6768/DI 102+



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